

The Honorable John C. Coughenour

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ESTATE OF ADAM CHRISTOPHER
JENSEN, by the Personal Representative
PAULA DOW; and PAULA DOW, an
individual,

Plaintiffs,

vs.

COUNTY OF SNOHOMISH, a municipal
corporation; SNOHOMISH COUNTY
DEPUTY SHERIFF WILLIAM WESTSIK,
and his marital community; SNOHOMISH
COUNTY DEPUTY SHERIFF KEVIN
PELLEBOER, and his marital community;
SNOHOMISH COUNTY SHERIFF'S
SERGEANT CHAD GWORDSKE, and his
marital community; EVERETT CITY
POLICE DEPARTMENT, a municipal
corporation; "DOE(S) 1-100", employees of
the COUNTY OF SNOHOMISH and/or
EVERETT CITY POLICE DEPARTMENT;
and "CORPORATION(S) XYZ 1-100,"

Defendants.

NO. C20-1320-JCC

STIPULATED MOTION AND
[PROPOSED] ORDER TO FILE
CONFIDENTIAL MATERIAL UNDER
SEAL

NOTE ON MOTION CALENDAR:
Friday, March 26, 2021

The parties submit the following Stipulated Motion to File Confidential Material Under
Seal pursuant to Fed. R. Civ. P. 26(c).

STIPULATED MOTION AND ***[PROPOSED]*** ORDER TO
FILE CONFIDENTIAL MATERIAL UNDER SEAL - 1
USDC #C20-1320-JCC

SNOHOMISH COUNTY
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I. FACTS

Plaintiff has filed a civil rights lawsuit pursuant to 42 U.S.C. § 1983 in which she alleges, among other things, that on September 9, 2018 Snohomish County Defendants used excessive force against her son, resulting in his death. Dkt. 4. The Snohomish County Defendants acquired video footage of events just prior to, during and immediately following the incident in question.

The parties in this case have stipulated with respect to the confidentiality of many of the materials associated with this litigation, including this video footage, in a separate protective order approved by the Court on February 3, 2021. Dkt. 32. The video footage that is the subject of this motion is identified as Bates Nos. DOW 00027-30. Though Plaintiff has designated these videos as “Confidential,” Snohomish County Defendants are in agreement with this designation. Snohomish County Defendants will shortly be filing a motion for partial summary judgment and seek to file a selection of the video clips in support of their motion under seal pursuant to the terms of the protective order, in the interest of preserving the confidential nature of this video footage and to prevent potential jurors from forming improper bias if they were to view this evidence before trial. The parties met and conferred on March 19, 2021 regarding filing these videos under seal and subsequently agreed to such a filing by stipulation.

II. ARGUMENT

Parties may seek to file a document under seal pursuant to Local Civil Rule 5(g). While there is a strong presumption of public access to the court’s files, a document that a party has designated as “confidential” in discovery may be filed under seal in order to protect sensitive information. *See* LCR 5. In the instant case, the video Snohomish County Defendants seek to

1 file in support of their motion contains both sensitive footage of the incident underlying
2 Plaintiff's complaint and depictions of minors.

3 For the purpose of dispositive motions that require the video, the parties propose filing
4 the video under seal with the Court for use in the dispositive motion or response to the dispositive
5 motion by any other party to this action.

6 The parties have already stipulated with respect to possession and confidentiality of
7 pertinent materials associated with this litigation, including these video clips, in a separate
8 protective order entered into between all parties and approved by this court on February 3, 2021.
9 Dkt. 32. Filing the video clips identified as Bates Nos. DOW 00027-30, under seal with this
10 Court provides continued privacy regarding the sensitive content of the clips while also making
11 the clips available only to this Court and all parties to this action for viewing and use in future
12 motions and proceedings, until trial. The parties have agreed that the video clips that are the
13 subject of this motion may be admissible at trial and specifically reserve the right to seek that
14 they be unsealed and offered into evidence at trial.
15
16

17 III. CONCLUSION

18 The parties respectfully request that, in light of the sensitive nature of these video clips,
19 County Defendants be allowed to file the video clips under seal, and subject to such protections
20 as the Court deems appropriate.
21

22 DATED this 26th day of March, 2021.

DATED this 26th day of March, 2021

23 ADAM CORNELL
24 Snohomish County Prosecuting Attorney

AKW LAW, P.C.

25 By: /s/ Katherine H. Bosch
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By: /s/ Jordan T. Wada
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of Adam Christopher Jensen*

DATED this 26th day of March, 2021.

CITY OF EVERETT

By: /s/ Ramsey E. Ramerman
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Attorney for City of Everett Police Department

ORDER

The Stipulated Motion and Order to File Confidential Material Under Seal is GRANTED.

Defendants shall file a copy of the confidential materials under seal with the clerk's office.

DATED this _____ day of _____, 2021.

HONORABLE JOHN C. COUGHENOUR
United States District Court Judge

DECLARATION OF SERVICE

I declare that I am an employee of the Civil Division of the Snohomish County Prosecuting Attorney's Office, and that I caused to be delivered the foregoing document on the following parties by the methods indicated:

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☒ ***E-Filed via CM/ECF***
☐ E-Mailed
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I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 26th day of March, 2021.

Cindy Ryden, Legal Assistant